



2-8-05

DAE/3672
#12**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(B)**Docket Number:
S866.312-0006**RECEIVED**

FEB 16 2005

First Named Inventor : Thomas W. Bakker

Application No. : 09/889,726

Group Art Unit: 3672

Filed : 10/24/2001

Examiner: Collins, Giovanna M

Title : PIPE HANDLING APPARATUS AND METHOD

Express Mail No.: EV 302258422 US

Attention: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment of this application is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

(NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Reply and/or issue fee
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

_ small entity - fee \$ _ (37 C.F.R. 1.17(m)). Applicant claims small entity status. See 37 C.F.R. 1.27.

X other than small entity - fee \$ \$1,500.00 (37 C.F.R. 1.17(m)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office Action in

X the form of Amendment:

X has been filed previously on November 20, 2003

_ is enclosed herewith.

B. The issue fee of \$ _

_ has been paid previously on _

_ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ for a small entity or \$ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c)(III)(C) and (D))]

The Applicants first learned of the abandonment of this patent application on August 7, 2003, when Examiner Giovanna Collins contacted the Applicants' attorney by telephone to inquire whether a response had been filed to the Office Action dated February 3, 2003. The conversation with Ms. Collins revealed that the Office Action had been mailed to the Applicants' attorney's previous address, and therefore had not been received. Examiner Collins faxed a copy of the Office Action to the Applicants' attorney on August 8, 2003.

The Applicants filed a Petition to Withdraw Any Holding of Abandonment on September 18, 2003. The Applicants also filed an Amendment on November 20, 2004 in response to the February 3, 2003 Office Action. A Notice of Abandonment dated October 19, 2004 was finally received by the Applicants on October 26, 2004. A decision denying the Applicants' Petition was mailed on January 11, 2005, and was received by the Applicants on January 18, 2005.

This Petition to revive the application as having been unintentionally abandoned is being filed in response to the decision mailed on January 11, 2005 denying the Applicants' Petition to Withdraw Any Holding of Abandonment. The above-described circumstances support the Applicants' statement that the entire delay in filing the required reply from the due date (May 3, 2003) until the filing of a grantable petition under 37 CFR 1.137(b) (February 7, 2005) was unintentional. A more detailed statement of the circumstances of the instant application may be found in the Petition to Withdraw Any Holding of Abandonment filed by the Applicants on September 18, 2003.

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Date

2/7/05


Alan M. Koenck, Reg. No. 43,724
Kinney & Lange, P.A.
The Kinney & Lange Building
312 South 3rd Street
Minneapolis, MN 55415-1002
Telephone: (612) 337-9360
Fax: (612) 339-6580

Enclosures: ☒ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form